

Notice of Allowability

Application No.

09/732,628

Examiner

Kieu D Vu

Applicant(s)

KIM, KYUNAM

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The Amendment filed 05/17/04.
2. ☒ The allowed claim(s) is/are 1-8, 10-70 (renumbered as 1-69).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Joe Zheng on 08/19/04.

3. Claim 71 has been cancelled.

Claim 11: replace "claim 10" with "claim 10,"

Claim 12: replace "claim 10" with "claim 10,"

Claim 17, line 1, replace "Th" with "The"

Claim 41, line 6, replace "at l ast" with "at least"

Line 7, replace "a s cond" with "a second"

Claim 52, line 3, replace "imag s to id ntify products or s rvices" with "images to identify products or services"

Claim 58, line 1, replace "furth r" with "further"

Line 2, replace "at l ast on us r subsequ nt to said transf rring" with "at least one user subsequent to said transferring"

Claim 64, line 14, replace "transf rring" with "transferring"

Line 14, replace "b tween" with "between"

4. Claims 1-8, 2-70 are allowed.

5. Reason for allowance:

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The Examiner has carefully considered the independent claims 1, 47, 52, and 64. The computer method for communicating between users as claimed was not taught or suggested by the prior art. Using images in communicate between users are known in the art as taught by Megiddo and Liles. However, images in Megiddo and Lilies teachings are generic images. None of the prior art teaches "characterizing a source of a product or service offered" by the owner of the image as cited in the claims. Furthermore, none of the prior art of record teaches limitations "configured to allow various....actual physical interaction between the first and the second users" (claims 1, 47, 52, 64) and "moving one of said imagessaid users for talking" (claim 52). These limitations, cited in specific combination as presented in the claims, define patentably over relevant prior art made of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 703-605-1232 through the month of October, 2004 and at 571-272-4057 thereafter.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 703-308-3116 through the month of October, 2004 and at 571-272-4048 thereafter.

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The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306


and / or:

703-746-5639 through the month of October, 2004 and 571-273-4057 thereafter (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

08/19/04


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

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